

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GONZALO CORTES,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

DECLARATION OF
GABRIEL P. HARVIS

14 CV 3014 (SLT) (RML)

Defendants.

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GABRIEL P. HARVIS, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

I am a partner in the law firm of Harvis & Fett LLP, attorneys for plaintiff Gonzalo Cortes. As such, I am fully familiar with the facts and circumstances surrounding the disputed events. I submit this Declaration in Support of Plaintiff's Opposition to Defendants' Summary Judgment Motion.

Exhibits to Plaintiff's Opposition

1. Annexed as Exhibit 1 are pages from the deposition transcript of defendant Sergeant Stephen Daly taken on June 1, 2016.

2. Annexed as Exhibit 2 are pages from the deposition transcript of plaintiff Gonzalo Cortes taken on March 25, 2016.

3. Annexed as Exhibit 3 are pages from the deposition transcript of Sergeant Jose Guzman taken on August 25, 2015.

4. Annexed as Exhibit 4 are pages from the deposition transcript of Sergeant Peter Rodeschin taken on September 13, 2016.

5. Annexed as Exhibit 5 is the FDNY Prehospital Care Report Summary, dated July 1, 2013, Bates stamped at Def198-Def200.

6. Annexed as Exhibit 6 is the Sprint Report for the ambulance called to the precinct for plaintiff on July 1, 2013, Bates stamped at Def196-Def197.

7. Annexed as Exhibit 7 is a page from the Elmhurst Hospital Center Medical Records of plaintiff's treatment on July 1, 2013.

8. Annexed as Exhibit 8 is the transcript from Mr. Cortes' arraignment in Criminal Court, County of Queens on July 1, 2013, Bates stamped at P164-P167.

9. Annexed as Exhibit 9 is the Expert Report of Drew A. Stein, M.D., dated March 3, 2016.

10. Annexed as Exhibit 10 is a copy of the Harlem Health Center Surgical Pre-Admission Form related to plaintiff's second surgery, dated August 9, 2016, Bates stamped at P314.

11. Annexed as Exhibit 11 are pages from deposition transcript of Matthew Smith, dated June 10, 2016.

12. Annexed as Exhibit 12 is a copy of a portion of the 115th Precinct Command Log for July 1, 2013, Bates stamped at Def7.

13. Annexed as Exhibit 13 is the Arrest Report for plaintiff dated July 1, 2013, Bates stamped at Def3-Def4.

14. Annexed as Exhibit 14 is Medical Treatment of Prisoner Form I ("old injury"), July 1, 2013, Bates stamped at Def211.

15. Annexed as Exhibit 15 is Medical Treatment of Prisoner Form II ("new injury"), July 1, 2013, Bates stamped at Def258.

16. Annexed as Exhibit 16 is a letter from plaintiff's counsel to defendants, dated September 29, 2016.

17. Annexed as Exhibit 17 are relevant excerpts from the memo book of Officer Matthew Smith, Bates stamped at Def205-Def210.

18. Annexed as Exhibit 18 is a copy of NYPD Patrol Guide § 207-21, Allegations of Corruption and Other Misconduct Against Members of the Service.

19. Annexed as Exhibit 19 is a copy of NYPD Patrol Guide § 208-03, Arrests – General Processing.

20. Annexed as Exhibit 20 is a copy of the Certificate of Disposition, reflecting that the charges against Mr. Cortes were dismissed on October 7, 2013, Bates Stamped at Def8.

21. Annexed as Exhibit 21 is a copy of defendants' Answer to the Third Amended Complaint, dated July 21, 2016.

22. Annexed as Exhibit 22 is a copy of a portion of the NYPD Prisoner Holding Pen Roster for the 115th Precinct on July 1, 2013, Bates Stamped at Def176.

Dated: New York, New York

January 13, 2017

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